

FILED
4/8/21 4:35 pm
CLERK
U.S. BANKRUPTCY
COURT - WDP

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Harvey Dwight Evans and) Case No. 21-20214-JAD
Jennifer Jo Evans)
) Chapter 13
)
Debtor(s).) Related To ECF Nos. 34, 20
X

ORDER OF COURT
(Check Boxes That Apply)

- ☐ Confirming Plan on Final Basis ☒ Chapter 13 Plan dated:
3-2-2021
- ☒ Authorizing Distributions Under Plan ☐ Amended Chapter 13 dated:
On Interim Basis Solely as Adequate _____
Protection

IT IS HEREBY ORDERED that pursuant to the plan identified above (the "Plan"), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee's next available distribution date after the first day of the month following the date on which this Order is entered on the Court's docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$__, beginning__. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee's TFS online payment program.
- ☐ B. The length of the Plan is changed to a total of at least ____months. This

statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.

- ☒ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:

- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
-
- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
-
- ☐ K. Additional Terms and Conditions:
-

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.


E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed *secured claim* (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: April 8, 2021



Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk

In re:
Harvey Dwight Evans
Jennifer Jo Evans
Debtors

Case No. 21-20214-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Apr 08, 2021

User: msch
Form ID: pdf900

Page 1 of 4
Total Noticed: 65

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 10, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Harvey Dwight Evans, Jennifer Jo Evans, 97 Pinchalong Road, Grove City, PA 16127-6333
15335479	+ American Express, P.O. Box 981537, El Paso, TX 79998-1537
15351615	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15335481	++ BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238 address filed with court:, Bank of America, P.O. Box 982238, El Paso, TX 79998
15335482	+ Barclays Bank Delaware, P.O. Box 8803, Wilmington, DE 19899-8803
15335494	+ CKS Prime Investments, LLC, P.O. Box 2856, Chesapeake, VA 23327-2856
15335486	+ Capital One Bank/Walmart, P.O. Box 71087, Charlotte, NC 28272-1087
15335490	+ Citizens Bank, 500 Chestnut Street, Chattanooga, TN 37402-1237
15335496	+ Cross River Bank, 400 Kelby Street, 14th Floor, Fort Lee, NJ 07024-2938
15335499	+ Family Savings Credit, 711 East Meighan Boulevard, Gadsden, AL 35903-1996
15338763	+ Family Savings Credit Union, c/o Amato and Keating, P.C., 107 North Commerce Way, Bethlehem PA 18017-8913
15335500	+ Freedom Financial Asset Management, LLC, 885 Teaneck Road, Teaneck, NJ 07666-4546
15335502	+ GMAC Mortgage, 3451 Hammond Avenue, Waterloo, IA 50702-5345
15335508	+ Regions Bank, P.O. Box 110, Hattiesburg, MS 39403-0110
15335509	+ Second Round, LP, P.O. Box 41955, Austin, TX 78704-0033
15335510	+ Spine Surgery Associates, P.O. Box 668, Brentwood, TN 37024-0668
15335521	+ TBOM - Genesis Retail, P.O. Box 4499, Beaverton, OR 97076-4499
15351991	The Bank of New York Mellon Trustee (See 410), c/o NewRez LLC d/b/a, Shellpoint Mortgage Servicing, PO Box 10826, Greenville, South Carolina 29603-0826
15351614	UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
15335525	#+ Wells Fargo, P.O. Box 10709, Raleigh, NC 27605-0709
15335524	+ Wells Fargo, P.O. Box 10335, Des Moines, IA 50306-0335
15335526	+ Winsouth Credit Union, 110 South 26th Street, Gadsden, AL 35904-1935

TOTAL: 22

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Apr 09 2021 01:49:22	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15335477	Email/Text: ebn@21stmortgage.com	Apr 09 2021 01:36:00	21st Mortgage Corporation, P.O. Box 477, Knoxville, TN 37902
15335478	+ Email/Text: ally@ebn.phinsolutions.com	Apr 09 2021 01:36:00	Ally Financial, P.O. Box 380901, Bloomington, MN 55438-0901
15335480	+ Email/Text: bk@avant.com	Apr 09 2021 01:36:00	Avant, 222 North Lasalle Street, Chicago, IL 60601-1003

District/off: 0315-2

User: msch

Page 2 of 4

Date Rcvd: Apr 08, 2021

Form ID: pdf900

Total Noticed: 65

15335483	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Apr 09 2021 01:49:27	Best Buy Credit Services, P.O. Box 78009, Phoenix, AZ 85062-8009
15335492	Email/Text: Bankruptcy.RI@Citizensbank.com	Apr 09 2021 01:36:00	Citizens Bank N.A., 480 Jefferson Boulevard, Warwick, RI 02886
15335493	+ Email/Text: jsanders@cksfin.com	Apr 09 2021 01:36:00	CKS Financial, P.O. Box 2856, Chesapeake, VA 23327-2856
15335484	+ Email/PDF: AIS.COAF.EBN@Americaninfosource.com	Apr 09 2021 01:49:22	Capital One Auto Finance, 7933 Preston Road, Plano, TX 75024-2302
15338173	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Apr 09 2021 01:49:21	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15335485	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Apr 09 2021 01:51:17	Capital One Bank USA, P.O. Box 30281, Salt Lake City, UT 84130-0281
15335487	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Apr 09 2021 01:51:20	Citibank, P.O. Box 6190, Sioux Falls, SD 57117-6190
15335488	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Apr 09 2021 01:49:25	Citibank N.A./The Home Depot, P.O. Box 6497, Sioux Falls, SD 57117-6497
15335489	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Apr 09 2021 01:49:24	Citibank, N.A., P.O. Box 6497, Sioux Falls, SD 57117-6497
15352330	Email/PDF: Citi.BNC.Correspondence@citi.com	Apr 09 2021 01:53:17	Citibank, N.A., 5800 S Corporate Pl, Sioux Falls, SD 57108-5027
15335491	+ Email/Text: jkieffer@trustcbt.com	Apr 09 2021 01:36:00	Citizens Bank & Trust, P.O. Box 249, Trenton, GA 30752-0249
15335495	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Apr 09 2021 01:36:00	Comenity Capital, P.O. Box 182120, Columbus, OH 43218-2120
15335497	Email/Text: mrdiscen@discover.com	Apr 09 2021 01:36:00	Discover Financial Services, LLC, P.O. Box 15316, Wilmington, DE 19850
15336793	Email/Text: mrdiscen@discover.com	Apr 09 2021 01:36:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15342716	+ Email/Text: bknotice@ercbpo.com	Apr 09 2021 01:36:00	Enhanced Recovery Company, 8014 Bayberry Road, Jacksonville, FL 32256-7412
15335501	Email/Text: bk@freedomfinancialnetwork.com	Apr 09 2021 01:36:00	Freedom Plus, 1875 South Grant Street, San Mateo, CA 94402
15335503	+ Email/Text: info@gcafcu.org	Apr 09 2021 01:36:00	Grove City Area Federal Credit Union, 1 Credit Union Way, Grove City, PA 16127-1899
15335504	+ Email/Text: bankruptcy@huntington.com	Apr 09 2021 01:36:00	Huntington National Bank, P.O. Box 1558, Columbus, OH 43216-1558
15347033	Email/PDF: resurgentbknotifications@resurgent.com	Apr 09 2021 01:49:23	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15335505	+ Email/Text: Documentfiling@lciinc.com	Apr 09 2021 01:36:00	Lending Club Corporation, 595 Market Street, San Francisco, CA 94105-2807
15360675	+ Email/Text: Documentfiling@lciinc.com	Apr 09 2021 01:36:00	LendingClub Corporation, 595 Market Street Suite 200, San Francisco, CA 94105-2807
15335506	+ Email/PDF: MerrickBKNotifications@Resurgent.com	Apr 09 2021 01:51:15	Merrick Bank Corporation, P.O. Box 9201, Old Bethpage, NY 11804-9001
15352199	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Apr 09 2021 01:51:17	Portfolio Recovery Associates, LLC, POB 12914, Norfolk, VA 23541
15335507	+ Email/PDF: HCABKNotifications@resurgent.com	Apr 09 2021 01:53:11	Parkridge East Hospital, P.O. Box 99400, Louisville, KY 40269-0400
15347713	+ Email/PDF: resurgentbknotifications@resurgent.com	Apr 09 2021 01:51:18	Parkridge East Hospital, Resurgent Capital

District/off: 0315-2

User: msch

Page 3 of 4

Date Rcvd: Apr 08, 2021

Form ID: pdf900

Total Noticed: 65

			Services, PO Box 1927, Greenville, SC 29602-1927
15345914	Email/Text: bnc-quantum@quantum3group.com	Apr 09 2021 01:36:00	Quantum3 Group LLC as agent for, CKS Prime Investments LLC, PO Box 788, Kirkland, WA 98083-0788
15345388	Email/Text: bnc-quantum@quantum3group.com	Apr 09 2021 01:36:00	Quantum3 Group LLC as agent for, Velocity Investments LLC, PO Box 788, Kirkland, WA 98083-0788
15335628	+ Email/PDF: gecsedl@recoverycorp.com	Apr 09 2021 01:49:20	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15335511	+ Email/PDF: gecsedl@recoverycorp.com	Apr 09 2021 01:49:20	Synchrony Bank/ American Eagle, P.O. Box 965005, Orlando, FL 32896-5005
15335512	+ Email/PDF: gecsedl@recoverycorp.com	Apr 09 2021 01:49:20	Synchrony Bank/ Walmart, P.O. Box 965024, Orlando, FL 32896-5024
15335513	+ Email/PDF: gecsedl@recoverycorp.com	Apr 09 2021 01:51:16	Synchrony Bank/Amazon, P.O. Box 965015, Orlando, FL 32896-5015
15335514	+ Email/PDF: gecsedl@recoverycorp.com	Apr 09 2021 01:51:16	Synchrony Bank/Care Credit, P.O. Box 965036, Orlando, FL 32896-5036
15335515	+ Email/PDF: gecsedl@recoverycorp.com	Apr 09 2021 01:49:20	Synchrony Bank/J.C. Pennys, P.O. Box 965007, Orlando, FL 32896-5007
15335516	+ Email/PDF: gecsedl@recoverycorp.com	Apr 09 2021 01:49:20	Synchrony Bank/Lowe's, P.O. Box 956005, Orlando, FL 32896-0001
15335517	+ Email/PDF: gecsedl@recoverycorp.com	Apr 09 2021 01:49:20	Synchrony Bank/Lowes, P.O. Box 956005, Orlando, FL 32896-0001
15335518	+ Email/PDF: gecsedl@recoverycorp.com	Apr 09 2021 01:51:16	Synchrony Bank/Sams Club, P.O. Box 965005, Orlando, FL 32896-5005
15335520	+ Email/PDF: gecsedl@recoverycorp.com	Apr 09 2021 01:51:16	Synchrony Bank/Zulily, P.O. Box 965017, Orlando, FL 32896-5017
15335522	+ Email/Text: bankruptcies@TVFCU.COM	Apr 09 2021 01:37:00	Tennessee Valley Federal Credit Union, 715 Market Street, Chattanooga, TN 37402-4806
15335523	Email/Text: bknotice@upgrade.com	Apr 09 2021 01:36:00	Upgrade Inc., 2 North Central Avenue, 10th Floor, Phoenix, AZ 85004

TOTAL: 43

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		The Bank of New York Mellon Trust Company, N.A., a
15342717	*+	Synchrony Bank/Care Credit, P.O. Box 965036, Orlando, FL 32896-5036
15335519	*+	Synchrony Bank/Walmart, P.O. Box 965024, Orlando, FL 32896-5024
15335498	##+	Ditech Financial LLC, P.O. Box 6172, Rapid City, SD 57709-6172

TOTAL: 1 Undeliverable, 2 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the

District/off: 0315-2

User: msch

Page 4 of 4

Date Rcvd: Apr 08, 2021

Form ID: pdf900

Total Noticed: 65

complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 10, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 8, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor The Bank of New York Mellon Trust Company N.A., as successor-in-interest to all permitted successors and assigns of JP Morgan Chase Bank, N.A., as Trustee for GMACM Home Equity Loan Trust, Series 200 bnicholas@kmlawgroup.com
Daniel P. Foster	on behalf of Joint Debtor Jennifer Jo Evans dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
Daniel P. Foster	on behalf of Debtor Harvey Dwight Evans dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
Maria Miksich	on behalf of Creditor The Bank of New York Mellon Trust Company N.A., as successor-in-interest to all permitted successors and assigns of JP Morgan Chase Bank, N.A., as Trustee for GMACM Home Equity Loan Trust, Series 200 mmiksich@kmlawgroup.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com

TOTAL: 6